

December 13, 2016

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of Ex Parte Communication, GN Docket No. 16-306

Dear Ms. Dortch:

On December 8, 2016, the Competitive Carriers Association (CCA) submitted a letter in the above-referenced docket.¹ In that letter, CCA twice mischaracterized the Commission's 39-month repacking deadline as being dictated by Congress.² CCA has made similar misstatements in the past.³ In fact, nothing in the Spectrum Act speaks to the timeframe for repacking. Rather, the Spectrum Act sets forth a time limitation in which the Commission may make reimbursements. For CCA's convenience, and to avoid confusion in the future, NAB sets forth the relevant portion of the Spectrum Act below:

The Commission shall make all reimbursements required by subparagraph (A) not later than the date that is 3 years after the completion of the forward auction under subsection (c)(1).⁴

NAB looks forward to working with the Commission to determine a reasonable repacking deadline based on the facts when they are known at the conclusion of the incentive auction.

¹ Letter from Rebecca Murphy Thompson to Marlene H. Dortch, GN Docket No. 16-306 (Dec. 8, 2016).

² *Id.* at 1, 3.

³ Reply Comments of the Competitive Carriers Association at 9, MB Docket No. 16-306, GN Docket No. 12-268 (Nov. 15, 2016); Comments of the Competitive Carriers Association at 1, MB Docket No. 16-306, GN Docket No. 12-268 (Oct. 31, 2016).

⁴ Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112-96, 126 Stat. 156, § 6403(b)(4)(D) (Feb. 22, 2012) (codified at 47 U.S.C. § 1452(b)(4)(D)).

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read 'Rick Kaplan', with a long horizontal line extending to the right.

Rick Kaplan
General Counsel and Executive Vice President,
Legal and Regulatory Affairs
National Association of Broadcasters

ATVA Members

The Africa Channel
Altice USA
American Cable Association
American Public Power Association (APPA)
AT&T
BendBroadband
Cablevision Systems Corp.
CenturyLink
Charter Communications
Comporium
Discovery Communications
DISH Network
Eastern Rural Telecom Association
GMC
Harron Communications
Independent Telephone and Telecommunications Alliance
Massillon Cable TV
Mediacom Communications
Midcontinent Communications
New America Foundation
NTCA – The Rural Broadband Association
Outdoor Channel
Parents Television Council
Retirement Living TV
Rural Independent Competitive Alliance
NUVOtv
Starz Entertainment
USTelecom
Verizon
Wave Broadband and Astound Broadband